

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**DAVID SAMBRANO, et al., individually,
and on behalf of all others similarly
situated,**

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

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§

Civil Action No.

4:21-CV-01074-P

APPENDIX IN SUPPORT OF DEFENDANT’S SUPPLEMENTAL BRIEF

NOW COMES, Defendant United Airlines, Inc. and files this Appendix in Support of Its Supplemental Brief.

Ex. A	Excerpts from Deposition of Kimberly Hamilton App. 1 - 9 taken September 20, 2023
Ex. B	Excerpts from Deposition of David Castillo..... App. 10 - 16 taken September 19, 2023

Respectfully submitted,

/s/ Russell D. Cawyer

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**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via e-mail to all counsel of record this 2nd day of May, 2024:

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Russell D. Cawyer

UNITED STATES DISTRICT COURT
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DAVID SAMBRANO, et al.,)
individually, and on)
behalf of all others)
similarly situated,)
) Civil Action No.
Plaintiffs,) 4:21-cv-01074-P
)
v.)
)
UNITED AIRLINES, INC.,)
)
Defendant.)

"CONFIDENTIAL"

ORAL AND VIDEOTAPED DEPOSITION OF

KIMBERLY HAMILTON

SEPTEMBER 20, 2023

ORAL AND VIDEOTAPED DEPOSITION OF KIMBERLY
HAMILTON, produced as a witness at the instance of the
Defendant, and duly sworn, was taken in the above-styled
and numbered cause on the 20th day of September, 2023,
from 9:32 a.m. to 5:00 p.m., before Julie C. Brandt,
RMR, CRR, and CSR in and for the State of Texas,
reported by machine shorthand at Kelly Hart & Hallman,
LLP, 201 Main Street, Suite 2500, Fort Worth, Texas,
pursuant to the Federal Rules of Civil Procedure and the
provisions stated on the record or attached hereto.

EXHIBIT

A

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are on the record.

3 Today's date is September 20, 2023. The time is 9:32.

4 This is the video deposition of Kimberly

5 Hamilton in the case styled David Sambrano, et al.

6 versus United Airlines, Inc. This case is filed in the

7 United States District Court, Northern District of

8 Texas, Fort Worth Division.

9 Counsel, at this time would you state your

10 appearances for the record, beginning with the taking

11 counsel, and the reporter can then place the witness

12 under oath.

13 MR. CAWYER: Russell Cawyer for United

14 Airlines.

15 MR. WINN: Taylor Winn for United

16 Airlines.

17 MR. FIELD: Brian Field for the

18 plaintiffs.

19 MS. SQUIERS: Cristina Squiers for the

20 plaintiffs.

21 KIMBERLY HAMILTON,

22 having been first duly sworn, testified as follows:

23 EXAMINATION

24 BY MR. CAWYER:

25 Q. Good morning, Ms. Hamilton.

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 Q. And one shredder?

5 A. Yes.

6 Q. So the shredder, the microwave, the copier are
7 all used by the SORs that are in this office where you
8 worked in 2021?

9 A. If they want to.

10 Q. What do you mean if they want to?

11 A. Not everybody brings anything to microwave,
12 but it's there if they want to, yes.

13 Q. So other than the microwave, which you can use
14 or not use, the SORs all share the copiers, the
15 shredders and there are two printers?

16 A. That's right.

17 Q. That's common equipment?

18 A. That's right.

19 Q. And the computer terminals, those are also
20 shared by the SORs that work throughout the course of
21 the day?

22 A. That's correct.

23 Q. That's shared equipment as well?

24 A. That's right.

25 Q. In 2020 and 2021, did you always work the same

1 shift?

2 A. I don't remember the shift bids that we had,
3 but for most of my years in operations, I worked the
4 night shift.

5 Q. Is that your preferred shift?

6 A. It is.

7 Q. What are the scheduled hours for the night
8 shift? And if they've been different over time, let me
9 know what the differences are.

10 A. They have been different. There have been, I
11 think, 6:30 p.m. starts, 7:30 p.m. starts. There have
12 been ten-hour shifts. That might -- that might have
13 ended before the timeframe you're talking about, though.
14 So during that time, I think they were 6:30 and 7:30,
15 there might have been an 8 o'clock start, but they've
16 been evening starts.

17 Q. So during the time period of August 2021
18 through April 2022, the evening shift started somewhere
19 at 6:30 to 7:30?

20 A. Yes.

21 Q. How long was the shift?

22 A. Until the last flight comes in. So they
23 would -- they would put an end shift time, which could
24 have been 12:00, 12:30, 1:00, depending on the shift.
25 But then your shift really didn't end until the last

1 A. Yeah.

2 Q. I'm going to bet you don't get Saturday and
3 Sunday off, do you?

4 A. I don't.

5 Q. In August 2021 through April of 2022, what
6 were your days off?

7 A. I don't remember, but actually what you said
8 isn't exactly right because I did have a shift for a
9 long time that was a Sunday/Monday off. So it's --
10 during that timeframe, I think my days off might have
11 been Sunday/Monday.

12 Q. And you worked the other five days?

13 A. Uh-huh. Yes.

14 Q. How many SORs are scheduled on the night shift
15 that you work?

16 A. One. One.

17 Q. So you work in this office that you've
18 described for me. Does your job duties also require you
19 to go to other parts of the airport?

20 A. No.

21 Q. So you show up to work, you punch in, you work
22 in this enclosed office the entire day/evening, and then
23 you leave?

24 A. Uh-huh. Yes.

25 Q. Any other work groups use this office?

1 MR. FIELD: Object to form.

2 A. The ramp -- some ramp leads may come in, but
3 it really just depends on the lead. So not -- not a
4 given, for sure thing.

5 Q. (BY MR. CAWYER) So most of the times during
6 August of 2021 through April of 2022, you're working the
7 evening shift in this small enclosed office and working
8 alone?

9 A. Yes.

10 Q. But leads may come into the office
11 periodically?

12 A. They may.

13 Q. Who else may come in?

14 A. The cleaning supervisors once in a while will
15 come in once in a while and make copies. No one needs
16 to come in typically, so it's not really a calculated
17 kind of answer I could give. Someone may stop in. No
18 one typically needs to stop in. By the time the night
19 shift gets there, the ramp lead usually has done all of
20 his scheduling. So if it's a lead, that might be
21 inclined to do that in ops. It's probably already been
22 done.

23 Q. But people can come unpredictably to come make
24 copies, use the shredder, use the microwave, correct?

25 MR. FIELD: Mischaracterization.

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF TEXAS
3 FORT WORTH DIVISION

4 DAVID SAMBRANO, et al.,)
5 individually, and on)
6 behalf of all others)
7 similarly situated,)
8 Plaintiffs,) Civil Action No.
9 v.) 4:21-cv-01074-P
10 UNITED AIRLINES, INC.,)
11 Defendant.)

12 REPORTER'S CERTIFICATION

13 VIDEOTAPED DEPOSITION OF KIMBERLY HAMILTON

14 SEPTEMBER 20, 2023

15 I, Julie C. Brandt, Certified Shorthand Reporter in
16 and for the State of Texas, hereby certify to the
17 following:

18 That the witness, KIMBERLY HAMILTON, was duly sworn
19 by the officer and that the transcript of the oral
20 deposition is a true record of the testimony given by
21 the witness;

22 Before completion of the deposition, review of the
23 transcript [] was [X] was not requested. If requested,
24 any changes made by the deponent (and provided to the
25 reporter) during the period allowed are appended hereto;

1 That the amount of time used by each party at the
2 deposition is as follows:

3 Russell D. Cawyer.....05 HOUR(S):30 MINUTE(S)

4 Brian Field.....00 HOUR(S):00 MINUTE(S)

5 That pursuant to information given to the
6 deposition officer at the time said testimony was taken,
7 the following includes counsel for all parties of
8 record:

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11 Cristina Squiers

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20 Russell D. Cawyer

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3 -and-

4 Alexander V. Maugeri (remote via Zoom)

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8 212-326-3880

9 amaugeri@jonesday.com

10 I further certify that I am neither counsel for,
11 related to, nor employed by any of the parties or
12 attorneys in the action in which this proceeding was
13 taken, and further that I am not financially or
14 otherwise interested in the outcome of the action.

15 Certified to by me September 29, 2023

16

17

18 <%12865,Signature%>
Julie C. Brandt, CSR, RMR, CRR
19 Texas CSR No. 4018
Expiration Date: 10/31/23

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UNITED STATES DISTRICT COURT
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Defendant.)

ORAL AND VIDEOTAPED DEPOSITION OF

DAVID CASTILLO

SEPTEMBER 19, 2023

ORAL AND VIDEOTAPED DEPOSITION OF DAVID CASTILLO,
produced as a witness at the instance of the Defendant,
and duly sworn, was taken in the above-styled and
numbered cause on the 19th day of September, 2023, from
9:27 a.m. to 3:27 p.m., before Julie C. Brandt, RMR,
CRR, and CSR in and for the State of Texas, reported by
machine shorthand at Kelly Hart & Hallman, LLP, 201 Main
Street, Suite 2500, Fort Worth, Texas, pursuant to the
Federal Rules of Civil Procedure and the provisions
stated on the record or attached hereto.



1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We're on the record.

3 Today's date is September 19, 2023. The time is 9:27.

4 This is the video deposition of David Castillo
5 relative to a case styled David Sambrano, et al. versus
6 United Airlines, Inc. This case is filed in the United
7 States District Court, Northern District of Texas, Fort
8 Worth Division.

9 Counsel, at this time would you state your
10 appearances for the record, beginning with taking
11 counsel, and the reporter can then place the witness
12 under oath.

13 MS. MATTHEWS: Good morning, Jordan
14 Matthews from Jones Day on behalf of United.

15 MS. BROWN: Lauren Brown from Jones Day
16 on behalf of United.

17 MR. SULLIVAN: John Sullivan for the
18 plaintiffs.

19 (Witness sworn.)

20 THE VIDEOGRAPHER: You may proceed.

21 DAVID CASTILLO,
22 having been first duly sworn, testified as follows:

23 EXAMINATION

24 BY MS. MATTHEWS:

25 Q. All right. Good morning, Mr. Castillo.

1 wait in the ready room for the early morning departures
2 in case any of the pilots had to call us for any work
3 that needed to be done.

4 Q. In the employee van, how many people would you
5 typically ride with?

6 A. Oh, there -- let me see. About at least five
7 of us. And it's an employee truck actually.

8 Q. And then in the ready room, you all were just
9 waiting to see if you would be needed to do something?

10 A. Yeah. Towards the end of the shift, we would
11 wait for the pilots to come in and get ready for their
12 flights. If they were to find anything, they would call
13 us out to take care of it before they left.

14 Q. Approximately how many people would be in the
15 ready room on any given day?

16 A. It would be around five.

17 Q. And were you working primarily inside or
18 outside?

19 A. Primarily outside.

20 And this is DFW you're talking about?

21 Q. Yes, sir.

22 Did you ever work inside?

23 A. There's nothing inside to work.

24 Q. Okay. So you were working outside
25 exclusively?

1 A. Yeah.

2 Q. How many people would you say you interacted
3 with on an average day?

4 A. Well, the five employees and some cleaners.
5 So five, six, seven, eight -- maybe ten, around that.

6 Q. And that's the job you had during the COVID-19
7 pandemic?

8 A. Yeah.

9 Q. Are you currently a member of a union?

10 A. Yeah.

11 Q. What union?

12 A. It's a Teamsters union.

13 Q. Were you a member of a union back when you
14 worked at DFW?

15 A. I was. Same union.

16 Q. Are the terms of your employment governed by a
17 collective bargaining agreement between your union and
18 United?

19 A. They are.

20 Q. And so under the collective bargaining
21 agreement, there are certain conditions of your
22 employment --

23 A. Uh-huh.

24 Q. -- that United can't alter, correct?

25 A. Yeah, I would imagine so.

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF TEXAS
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12 REPORTER'S CERTIFICATION

13 VIDEOTAPED DEPOSITION OF DAVID CASTILLO

14 SEPTEMBER 19, 2023

15 I, Julie C. Brandt, Certified Shorthand Reporter in
16 and for the State of Texas, hereby certify to the
17 following:

18 That the witness, DAVID CASTILLO, was duly sworn by
19 the officer and that the transcript of the oral
20 deposition is a true record of the testimony given by
21 the witness;

22 Before completion of the deposition, review of the
23 transcript [] was [X] was not requested. If requested,
24 any changes made by the deponent (and provided to the
25 reporter) during the period allowed are appended hereto;

1 That the amount of time used by each party at the
2 deposition is as follows:

3 Jordan M. Matthews.....04 HOUR(S):15 MINUTE(S)

4 John C. Sullivan.....00 HOUR(S):00 MINUTE(S)

5 That pursuant to information given to the
6 deposition officer at the time said testimony was taken,
7 the following includes counsel for all parties of
8 record:

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7 201 Main Street, Suite 2500

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9 817-878-3562

10 russell.cawyer@kellyhart.com

11 I further certify that I am neither counsel for,
12 related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken, and further that I am not financially or
15 otherwise interested in the outcome of the action.

16 Certified to by me September 28th, 2023.

17

18

<%12865,Signature%>

19

20

Julie C. Brandt, CSR, RMR, CRR
Texas CSR No. 4018
Expiration Date: 10/31/23

21

22

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